

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 3, 2011

The City Council convened in Regular Session on Thursday, February 3, 2011, at 7:22 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Michael Klinghammer, presiding, The Honorable Mayor Patricia M. York and the Members of the Council present as follows: Dave Beckering, Laurie Feldman, Bob Kneemiller, Larry Muench, Bridget Ohmes, Jerry Reese, Ron Stivison, and Richard Veit. Absent: Michael Weller. Training City Clerk Laura L. Whitehead was present and performed the duties of that office.

File #47527

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by BOB KNEEMILLER to excuse the absence of Councilmember Michael Weller. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

PUBLIC HEARINGS/ADMINISTRATIVE HEARINGS

The President of the Council Michael Klinghammer announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Case No. Z-09-10. (Meredith Borgmeyer). An application to annex and rezone 1.83 acres of land known as 2219 Hackmann Road from St. Charles County R-1E Single-Family Residential District to City of St. Charles R-1E Single-Family Residential District. The property will be located in Ward 5 upon annexation. ***(Council Bill 10421)***
- B. Case No. DR-01-11. An ordinance amending Chapter 156 of the City of St. Charles Code of Ordinances (Zoning Code) to include a definition and district regulations for warming and cooling centers. ***(Council Bill 10418)***
- C. Case No. DR-02-11. An ordinance amending Chapter 156 of the City of St. Charles Code of Ordinances (Zoning Code) to include a definition and district regulations for tattooing, body piercing or branding establishments. ***(Council Bill 10413)***
- D. Case No. CU-01-11. (Foster Adoption Support Team "FAST"). An application for a Conditional Use Permit from §156.034(C)(1)(a) for Free Food Distribution within the C-3 Highway Business District, specifically to permit a food pantry for foster and adoptive families on Saturdays from 12:30 p.m. to 2:30 p.m. at 1806 Boone's Lick Road (1st floor of two-story structure on-site). The subject property is 1.08 acres and is located in Ward 2. ***(RCA Attached)***
- E. Case No. CU-02-11. (Millstone Bangert, Inc.). An application for a Conditional Use Permit for the purpose of a Concrete Batch Plant on Lot 1A and 1G at the north end of MB Corporate Court in the I-2 Heavy Industrial District. The subject property is 17.74 acres and is located in Ward 8. ***(RCA Attached)***

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- F. Case No. CU-03-11. (Tim Evans). An application for a Conditional Use Permit from §156.094(C) for a Temporary Retail Sales use within the CBD Central Business District, specifically to permit a produce stand on an existing parking lot at 517 North Fifth Street (NW Corner of Fifth St. and Clark St.). The subject property is 0.78 acres and is located in Ward 1. ***(RCA Attached)***
- G. Case. No. CU-04-11. (Steve Schad). An application for a Conditional Use Permit from §156.094(C) for a Temporary Retail Sales Use within the I-2 Heavy Industrial District, specifically to operate an outdoor snow cone stand at 3779 New Town Boulevard. This request is to continue operating the previously approved stand for an extended period of time. The subject property is 3.41 acres and is located in Ward 8. ***(RCA Attached)***
- H. Case No. CU-05-11. (Mt. Zion Baptist Church). An application for a Conditional Use Permit from §156.030(D)(1)(g) for a warming and cooling center within the O-I Office Institution District, specifically to operate a warming and cooling center as an accessory use to the existing church at 2002 West Randolph Street. The subject property is 2.32 acres and is located in Ward 7. ***(RCA Attached – Approval of Conditional Use is Dependant on Passage of Council Bill 10418)***

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 10416 Relative to Amending Section 50.02 Pertaining to Collection, Removal and Disposal of Solid Waste and Section 50.03 Pertaining to Unauthorized Disposal

Tom Besselman, 550 Jackson, voiced concern relative to Council Bill 10416.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Owen Peters, 729 Apricot Drive, appeared before the Council relative to City issues; and submitted a proposed agreement relative to Fire Protection Services.

RESOLUTION

A Resolution Declaring One (1) Parks and Recreation Department Vehicle to be Surplus Property and Authorizing the Disposal (*Sponsor: Laurie Feldman*)

Passed “Aye”: Beckering, Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, and Veit.
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on February 4, 2011, and is known as **Resolution R11-03**

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BILLS FOR FINAL PASSAGE

Bill 10367 (*Proposed Substitute Bill No. 1*) (*Held*)

An Ordinance Amending Chapter 36 of the Code of Ordinances of the City of St. Charles, Missouri by Creating a New Section to be Known as Section 36.20 Pertaining to Mandatory Vacation Leave for Certain Employees (*Sponsor: Bob Kneemiller*)

Council Bill 10367 was held by sponsor Bob Kneemiller.

Bill 10398 (*Held*)

An Ordinance Repealing Administrative Regulation 2.3.3, Version 4; Approving Administrative Regulation 2.3.3, Version 5, Regarding Medical, Dental and Vision Benefits for Employees with Certain Minimum Years of Service who Start City Employment Before January 1, 2011; Establishing a Range of Benefits for Non-Medicare Eligible Retirees Based on the Retiree's Years of Service Ranging from \$400/Month for a Retiree with Twenty (20) Years of Service to \$450/Month for a Retiree with Thirty (30) or More Years of Service; Establishing a Benefit for a Retiree's Non-Medicare Eligible Spouse of \$230/Month Before Retiree is Medicare Eligible and \$200/Month After the Retiree is Medicare Eligible; Establishing That, Upon Becoming Medicare Eligible, Those Employees Retiring Before February 2, 2012 Shall Receive Up To \$125/Month To Defray Cost of Purchasing a Medicare Supplement; and Establishing an Effective Date For Version 5 of Administrative Regulation 2.3.3 (*Sponsor: Michael Klinghammer*)

Council Bill 10298 was held by sponsor Michael Klinghammer.

Bill 10411

An Ordinance Authorizing a Contract with KCI Construction Company for the Construction of the Boschertown Sanitary Lift Station Project in an Amount Not to Exceed \$3,665,000.00 (*Sponsor: Richard Veit*)

Passed "Aye": Beckering, Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, and Veit.
 "Nay": None
 Absent: Weller

Approved by the Honorable Mayor on February 7, 2011, and is known as **Ordinance 11-21**

Bill 10412

An Ordinance Authorizing a Contract with Pipe Works Utilities, LLC for the Construction of the Boschertown Lagoon Force Main Project in an Amount Not to Exceed \$1,489,881.56 (*Sponsor: Richard Veit*)

Passed "Aye": Beckering, Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, and Veit.
 "Nay": None
 Absent: Weller

Approved by the Honorable Mayor on February 7, 2011, and is known as **Ordinance 11-22**

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Bill 10413 (*Substitute Bill No. 1*) (*Held*)

An Ordinance Amending Chapters 96 and 156 of the Code of Ordinances of the City of St. Charles by Repealing Section 96.08 Pertaining to Restrictions Against Tattooing and Amending Section 156.006 to Include a Definition of Tattooing, Body Piercing or Branding Establishments, Section 156.033 to Include Tattooing, Body Piercing and Branding Establishments as a Conditional Use in the C-2 General Business Zoning District, and Section 156.068 to Specifically Exclude Tattooing, Body Piercing and Branding Establishments as a Use in the Historic Downtown District (*Sponsors: Richard Veit and Dave Beckering*)

Council Bill 10413 was held by sponsors Richard Veit and Dave Beckering.

Bill 10414

An Ordinance Authorizing the Vacation of General Utility Easements Located Between Lots 3 and 4 and Between Lots 4 and 5 of the Manors of Wynnbrooke Subdivision (*Sponsors: Bridget Ohmes and Michael Klinghammer*)

Passed “Aye”: Beckering, Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, and Veit.

 “Nay”: None

 Absent: Weller

Approved by the Honorable Mayor on February 7, 2011, and is known as **Ordinance 11-23**

Bill 10415

An Ordinance Authorizing Acceptance of Water Main Improvements, Storm Sewer Utilities, Streets and Their Appurtenances at The New Town at St. Charles – Phase 10A for Only that Portion of Said Plat Completed by Whittaker Homes, and Authorizing Release of Security Related Thereto (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Beckering, Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, and Veit.

 “Nay”: None

 Absent: Weller

Approved by the Honorable Mayor on February 7, 2011, and is known as **Ordinance 11-24**

Bill 10416 (*Failed*)

An Ordinance Amending Chapter 50 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Section 50.02 Pertaining to Collection, Removal and Disposal of Solid Waste and Section 50.03 Pertaining to Unauthorized Disposal (*Sponsor: Michael Klinghammer*)

Failed “Aye”: Klinghammer and Veit

 “Nay”: Feldman, Kneemiller, Muench, Ohmes, Reese, Stivison, and Beckering

 Absent: Weller

Council Bill 10416 failed passage.

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Bill 10417

An Ordinance Approving the Record Plat for Truman Corner, a Subdivision of the City of Saint Charles, Missouri (*Sponsors: Jerry Reese and Michael Klinghammer*)

Passed “Aye”: Beckering, Feldman, Klinghammer, Kneemiller, Muench, Ohmes,
 Reese, Stivison, and Veit.
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on February 7, 2011, and is known as **Ordinance 11-25**

Bill 10418

An Ordinance Amending Chapter 156 of the Code of Ordinances of the City of St. Charles by Amending Section 156.006 to Include a Definition of Warming and Cooling Center and Sections 156.025, 156.026, 156.030 and 156.040 to Include Warming and Cooling Centers as Conditional Use in the A Agricultural Zoning District, R-1C, R-1D, R-E Single Family Residential Zoning District, Office Institutional Zoning District and Frenchtown Historic Commercial District Respectively (*Sponsor: All Members of the City Council*)

Passed “Aye”: Beckering, Feldman, Klinghammer, Kneemiller, Muench, Ohmes,
 Reese, Stivison, and Veit.
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on February 7, 2011, and is known as **Ordinance 11-26**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 10419

An Ordinance Authorizing the Submittal of Four (4) Grant Applications with East West Gateway Coordinating Council for the FY 2012-2015 Transportation Improvement Program for North Fairgrounds Road; Boschertown Road Reconstruction – Phase 2; Truman Road Rehabilitation and South River Road / Friedens Road Lighting, and to Sign all Necessary Documents to Accept and Receive Said Grants. (*Sponsors: All Members of the City Council*)

Bill 10420

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Meredith D. Borgmeyer (2219 Hackmann Road). (*Sponsor: Michael Weller*)

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Bill 10421

An Ordinance Rezoning to City Zoning District R-1E (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), 1.83 Acres of Land Located at 2219 Hackmann Road. (*Sponsor: Michael Weller*)

Bill 10422 (Amended Prior to Introduction)

An Ordinance Amending Ordinance Number 10-289 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2011(Budget Amendment #1). (*Sponsor: Michael Klinghammer*)

A motion was made by DAVE BECKERING to amend Council Bill 10422 prior to introduction, as follows: to provide additional funding in the amount of \$75,000 to *Account No. 204-5001-42 Cleaning Services* for snow removal services. JERRY REESE seconded the motion. All voted in favor, motion passed.

Bill 10423

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles and REJIS Commission to Provide 2011 Law Enforcement Services for the Police Department for Communications and Computer Service in an Amount Not to Exceed \$50,807.72 (*Sponsor: Michael Klinghammer*)

Bill 10424

An Ordinance Authorizing the Purchase of Approximately 8.56 Acres Located on Mueller Road from Coca-Cola Enterprises, Inc., For Not to Exceed \$855,000 Inclusive of Closing Costs and Title insurance Premium; Authorization for the Mayor to Negotiate and Execute the Real Estate Sales Contract; and Granting Continuing Authority to the Mayor and City Clerk to Perform Acts Consistent with the Intent of this Ordinance (*Sponsors: All Members of the City Council*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Discussion Relative to Sponsoring the National Prescription Take Back Event on 4/30/11

Councilmember Jerry Reese requested City Council to sponsor the National Prescription Take Back event scheduled on Saturday, April 30, 2011, along with the Senior Citizen Advisory Commission. Councilmember Reese also reported that the Drug Enforcement Agency (DEA) will be assisting with the program this year. Discussion was held relative to the hours of operation. Police Chief Dennis Corley responded to an inquiry that the hours of operation are set by the DEA and will be conducted from 10:00 a.m. through 2:00 p.m.; however, nursing homes, pharmacies, or residents needing to bring prescription drugs to the Police Department other than the hours of 10:00 a.m. through 2:00 p.m. can bring them to the Police Department at 1781 Zumbahl Road prior to the start of the event. After further discussion, Councilmember JERRY REESE made a motion to sponsor the National Prescription Take Back Event on April 30, 2011. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

Councilmember Laurie Feldman left the meeting at this time.

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CONSENT AGENDA

A motion was made by LARRY MUENCH to approve the Consent Agenda. DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results:
“Aye”: Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, and Beckering.
“Nay”: None. Absent: Feldman and Weller. Motion passed.

- A. Approval of Council Minutes
 - 1. Regular Council Meeting of January 4, 2011
 - 2. Public Hearing of January 4, 2011

File #47546

 - 3. Regular Council Meeting of January 18, 2011

- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Council Work Session of November 30, 2010
 - b. Technology Committee Meeting of December 6, 2010
 - c. Street Committee Meeting of January 11, 2011

File #47292

File #47304

File #47555
 - 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session of November 30, 2010
 - b. Technology Committee Meeting of December 6, 2010
 - c. Street Committee Meeting of January 11, 2010
 - i. Motion to Become ADA Compliant as Requested and Mandated by the Federal Government by Adopting the ADA Transition Plan
 - ii. Motion to Repeal Ordinance 97-362 and Eliminate the Parking Restriction on a Portion of Adams Street
 - iii. Motion to Establish a Priority List Relative to the Submission of Applications to the East West Gateway Council of Governments for the FY 2012-2015 Transportation Program as follows: 1) North Fairgrounds Road Phase II, 2) Boschertown Road Reconstruction Phase II, 3) Truman Road Rehabilitation, and 4) South River Road/Friedens Road Lighting
 - iv. Motion to Recommend Option 2: Continuous Right Turn Lane from Eastbound McClay to Hackmann and then From Hackmann to Old Highway 94. This Option also Includes Widening Old Highway 94 to Allow for Dual Left Turn Lanes onto Hackmann; and to Proceed with the Project

- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. Senior Citizen Advisory Commission Meeting of September 21, 2010

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- a. Motion to Schedule Commission Work Sessions in the Months of February, March, May, June, August and September 2011.
File #47345
- 2. Senior Citizen Advisory Commission Meeting of October 19, 2010
File #47345
- 3. Senior Citizen Advisory Commission Meeting of November 16, 2010
File #47345
- 4. Landmarks Board Meeting of December 13, 2010
File #47314
- 5. Board of Adjustment Meeting of January 3, 2011
File #47547
- 6. Convention Center Oversight Subcommittee Meeting of November 29, 2010
 - a. Motion to Appoint Amy Dunning as the Contact Person for the Board during the 2010 Audit Process
File #47347

- D. Receipt of Reports of the Director of Administration
 - 1. Notice of Emergency Purchase
Councilmember Bob Kneemiller requested Administration review the current Procurement Ordinance relative to the approval levels for the bidding process.
File #47556
 - 2. Request for Authorization to Fill Vacant Position in Public Works (Street Maintenance Worker)
File #47548
 - 3. Request for Authorization to Fill Vacant Position in the Police Department (Police Service Technician and Part-Time Evidence Custodian)
File #47549
 - 4. Budget Transfers Report
File #47550

- E. Approval of Contracts and Easements from \$30,001 - \$99,999
 - 1. Contract with Motorola, Inc. for an Annual Maintenance Agreement for the City Wide 800 MHz Radio System and Related Components in an Amount not to Exceed \$96,436.44
File #47551

- F. Preliminary Plats
 - 1. Approval of Preliminary Plat for Outpost Church
File #47552
 - 2. Approval of Preliminary Plat for Pralle Lane Commercial
File #47553

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G. Miscellaneous

1. Approval of Liquor License Application for Donald McNutt, d/b/a: MPC#106, located at 2675 West Clay Street

File #47554

REPORT OF THE MAYOR

Report on Budget Amendment No. 1 (Council Bill 10422)

The Honorable Patricia M. York stated that this budget amendment is for the purchase of salt for the Public Works Department.

Written and/or Verbal Messages from the Mayor

4th of July Event. The Honorable Patricia M. York announced the 2011 4th of July Event will be a *one* day event this year.

Public Works/Street Division. The Honorable Patricia M. York *Thanked* the Street Division for all their hard work during this past snow event.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

Councilmember Bob Kneemiller welcomed Training City Clerk Laura L. Whitehead.

Councilmember Ron Stivison *Thanked* Police Chief Dennis Corley on the Police Departments performance relative to a recent homicide investigation.

Closed Session

A roll call vote was taken to reconvene into closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1) and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12), with the following results: “Aye”: Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, and Klinghammer. “Nay”: Beckering. Absent: Feldman and Weller. Motion passed.

The Open portion of the Regular Council Meeting was adjourned at 9:00 p.m.

Date Approved

City Clerk

Michael Klinghammer, Presiding Officer